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# STATE OF CONNECTICUT

DEPARTMENT OF SOCIAL SERVICES

## LONG TERM CARE OMBUDSMAN PROGRAM

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## SELECT COMMITTEE ON AGING

### Public Hearing

February 19, 2009

Good morning Senator Prague, Representative Serra, Senator Gaffey, Representative Bye and distinguished members of the Select Committee on Aging. My name is Nancy Shaffer and I am the State Long Term Care Ombudsman. I speak to you on behalf of the aging and disabled long term care residents of Connecticut. I am here to testify regarding proposed legislation before you today.

By way of my background, I hold a Master's degree in Human Development Gerontology and eighteen years of experience in the long term care setting in a variety of roles prior to my appointment as the State Ombudsman in 2006. I mention that because I think it's important to know that I have practical, hands-on long term care experience and a real understanding of residents' needs as well as direct knowledge of the long term care environment.

### S.B. No. 876 (RAISED) AN ACT CONCERNING LIABILITY OF NURSING HOME OWNERS FOR NEGLECT AND ABUSE OF NURSING HOME RESIDENTS AND CRIMINAL RECORDS CHECKS

Many caregivers in Connecticut's long term care facilities provide loving and wonderful care to their residents. But in some cases, and one case is too many, residents are abused or neglected in ways that we all would describe as horrifying and tragic. Neglect and abuse cannot be tolerated or simply passed off as a "problem". It is a disgrace and it is time to establish an improved system of accountability.

The Long Term Care Ombudsman Program received approximately 2,000 complaints from residents and/or their family members during Federal Fiscal Year 2008. Of these complaints, roughly half were related to care, abuse and/or neglect issues. In some cases there was serious injury, even death as a result of the neglectful care.

I don't believe most caregivers go into their daily work anticipating or planning to provide poor care. I do believe that all caregivers in our long term care facilities must have proper training, supervision and adequate support to do their jobs. When they don't have that training, supervision and support mistakes happen, abuse/neglect occurs and the resident suffers. It is imperative that corporate management and facility level management assume the responsibility of ensuring proper training, supervision and support. And they should be

held accountable when these essential safeguards are not in place and the resident suffers as a result.

Better equipping direct caregivers to do their work through proper training, supervision and support is the responsibility of the facility's owner and manager. It is also the owner and manager's responsibility to ensure that all workers are screened for criminal background checks. Facilities must be fully staffed with qualified workers for the safety and well-being of the vulnerable persons they serve. When investigation of an abuse/neglect crime finds the owner and/or manager has not fulfilled all of these obligations they must be held accountable.

I urge your support of Raised Bill No. 876.

S.B. No. 243 (COMM) AN ACT CONCERNING TRAINING IN PAIN MANAGEMENT

This bill clarifies that nursing homes that do not have an Alzheimer's special care unit or program are responsible for providing pain management training to direct caregivers of residents. As people age or become incapacitated due to medical or psychiatric disability it may become more difficult for them to express their needs. These individuals are a significant portion of the population of long term care residents. It is therefore imperative that caregivers be trained to observe and assess pain and understand the best management techniques to relieve that pain.

H.B. No. 5600 (COMM) AN ACT CONCERNING ACCESS TO COMPREHENSIVE FACTUAL INFORMATION REGARDING LONG TERM CARE FACILITIES

The Long Term Care Ombudsman Program fully supports full disclosure for consumers. At the time of admission the resident and family have many questions, but they also may not know all the questions that should be asked. By providing more comprehensive information at the outset, the consumer has readily available to him or her information as the need arises. At the national level many long term care advocates are supporting mandates to publish the Five Star Quality Rating System in a variety of venues. Including this in the admission information and Patient Bill of Rights provides the consumer with further information to make the right decision under their set of circumstances.

S.B. No. 489 (COMM) AN ACT CONCERNING A SINGLE POINT OF ENTRY FOR LONG TERM CARE

Briefly, this proposed legislation makes good sense for Connecticut's long term care consumers. The numerous long term care programs and options available to the consumer are a labyrinth of details. Even professionals and others who have used the network of services and learned to navigate the system do not always have specific answers beyond their limited experience. A single point of entry provides the consumer reasonable access to information

S.B. No. 664 (COMM) AN ACT CONCERNING BILLING FOR ASSISTED LIVING SERVICES COVERED BY LONG TERM CARE INSURANCE

Most, if not all, insurance policies outline provisions for a billing system. I do not know if it is necessary to mandate that a facility receives direct billing from a long term care insurance carrier. It appears the issue may be that, in some instances, the Assisted Living Services has not received payment due to payment going directly to the consumer and the consumer not passing that payment along. I do not know because the Ombudsman Program has not heard of this situation. The Assisted Living Services already safeguards itself in its contract with the consumer for nonpayment.

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News

## Farmington nursing home worker accused of stealing credit card

Thursday, February 12, 2009 10:36 PM EST

By LISA BACKUS

Staff writer

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FARMINGTON — A Bloomfield woman was arrested on larceny and credit card theft charges Tuesday after police said she stole a credit card from an 80-year-old woman while on the job at a local nursing home.

Sherena Lumpkins, 32, is accused of using the woman's card nine times at a gas station in Bloomfield, racking up \$382 in charges. "The fraudulent activity was discovered by a relative," Lt. William Tyler said.

Lumpkins worked at the nursing home where the 80-year-old victim lives, Tyler said. The fraudulent charges occurred from May 13 to June 3 and were reported to police June 6.

Lumpkins was charged with fifth-degree larceny, credit card theft, illegal use of a credit card, receiving goods obtained illegally and third-degree identity theft. She was released on \$5,000 nonsurety bond and scheduled to appear Tuesday in Hartford Superior Court.

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